

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Katherine Matejcek	Team: Squad #1	CCRB Case #: 201608697	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 10/11/2016 1:47 PM	Location of Incident: Front of 53 Ludlow Street	Precinct: 07	18 Mo. SOL 4/11/2018	EO SOL 4/11/2018	
Date/Time CV Reported Fri, 10/14/2016 10:28 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Fri, 10/14/2016 10:28 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Javarro Long	14695	936973	005 PCT
2. POM Kharloz Ortiz	13130	946083	005 PCT
3. POF Kelly Hughes	06507	948483	007 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Bertran Bouillon	291	956353	005 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Javarro Long	Abuse: Police Officer Javarro Long stopped § 87(2)(b)	
B.POM Kharloz Ortiz	Abuse: Police Officer Kharloz Ortiz stopped § 87(2)(b)	
C.POM Javarro Long	Force: Police Officer Javarro Long used physical force against § 87(2)(b)	
D.POM Kharloz Ortiz	Force: Police Officer Kharloz Ortiz used physical force against § 87(2)(b)	
E.POF Kelly Hughes	Abuse: Police Officer Kelly Hughes strip-searched § 87(2)(b)	
F.POF Kelly Hughes	Force: Police Officer Kelly Hughes used physical force against § 87(2)(b)	

## Case Summary

On October 14, 2016, § 87(2)(b) filed this complaint on behalf of § 87(2)(b) § 87(2)(b) via the CCRB's call processing system. § 87(2)(b) works in the § 87(2)(b) and completed § 87(2)(b)'s comprehensive health examination following his arrest.

On October 11, 2016 at approximately 1:47 p.m., § 87(2)(b) was walking down Ludlow Street when he attempted to rob another teenager, later identified as § 87(2)(b). § 87(2)(b) escaped before being robbed and fled the area. § 87(2)(b) remained in the vicinity until a few minutes later, when two plainclothes officers, later identified as PO Javarro Long and PO Kharloz Ortiz of the 5<sup>th</sup> Precinct, stopped him (**Allegations A and B**). They then grabbed § 87(2)(b)'s backpack and forced him up against a wall (**Allegations C and D**). Before being handcuffed, § 87(2)(b) ran. PO Ortiz caught up with § 87(2)(b) and spun his body to the floor (also **Allegation D**). After struggling with § 87(2)(b) for a few minutes, PO Long and PO Ortiz placed him in handcuffs. Shortly thereafter, several additional units responded to the scene and § 87(2)(b) was placed inside a marked RMP.

After sitting inside the RMP for a few minutes, § 87(2)(b) was taken out for a show-up and placed back inside. After the show-up, § 87(2)(b) was removed from the RMP a second time for a search. A large group of officers participated in this search, including an officer later identified as PO Kelly Hughes of the 7<sup>th</sup> Precinct. During the search, PO Hughes allegedly grabbed § 87(2)(b)'s belt and pulled it back a few inches to look inside his waistband (**Allegation E**). PO Hughes then struck § 87(2)(b) in the face with an open hand (**Allegation F**). § 87(2)(b) was then placed back inside the RMP and transported to the stationhouse. As a result of this incident, § 87(2)(b) was arrested for robbery and criminal possession of stolen property and taken to § 87(2)(b).

Surveillance footage of this incident was obtained from 53 Ludlow Street. The videos are linked to IAs 161, 162, and 163 of the digital case file.

§ 87(2)(g)

This case is older than 90 days due in part to the difficulties associated with interviewing an incarcerated minor. The undersigned first contacted § 87(2)(b) to schedule an interview on October 20, 2016, but was not able to schedule one until November 3, 2016, after making numerous follow-up calls. This caused a delay of roughly two weeks. The case was also delayed due to the 7<sup>th</sup> Precinct's initial refusal to provide the investigation with PO Hughes's memo book entries. These entries were originally requested on November 2, 2016, but the request was sent back on November 29, 2016 because the SPAA believed that they had been requested by mistake. They were then re-requested and ultimately received on December 13, 2016. Finally, after submitting a subpoena to the medical office of § 87(2)(b)

§ 87(2)(b) on December 14, 2016 requesting § 87(2)(b)'s medical records on or before December 31, 2016, the investigation did not receive these documents until January 13, 2017.

### **Mediation, Civil and Criminal Histories**

- § 87(2)(b)'s arrest rendered this case ineligible for mediation (02 Board Review).
- As of January 19, 2017, no Notice of Claim has been filed for this incident (03 Board Review).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
[REDACTED]  
[REDACTED]).

### **Civilian and Officer CCRB Histories**

- § 87(2)(b)  
[REDACTED]
- PO Long has been a member of the NYPD for 12 years. This is the first CCRB case filed against him (05 Board Review).
- PO Ortiz has been a member of the NYPD for 9 years. This is the first CCRB case filed against him (05 Board Review).
- PO Hughes has been a member of the NYPD for 7 years. This is the fifth CCRB case filed against her. Three of her prior cases, 201110241, 201503550, and 201603815, contained allegations of force and were respectively closed as complaint withdrawn, exonerated, and exonerated (05 Board Review).

### **Findings and Recommendations**

**Allegation A – Abuse of Authority: Police Officer Javarro Long stopped § 87(2)(b)**

**Allegation B – Abuse of Authority: Police Officer Kharloz Ortiz stopped § 87(2)(b)**

§ 87(2)(b) stated that, immediately prior to the incident, he asked a young male for money to buy pizza. § 87(2)(b) admitted to “swinging at” the male when he refused and releasing him when he asked § 87(2)(b) to stop “beating him up.” Despite these events, § 87(2)(b) stated that he was surprised to see two plainclothes officers approach him a few minutes later; he did not think that anyone had been watching them and did not think that his victim would have told the police (06 Board Review).

The victim, § 87(2)(b) § 87(2)(b) was identified by the UF-61 associated with § 87(2)(b)'s arrest (07 Board Review). In a statement provided to the CCRB via telephone, § 87(2)(b) stated that § 87(2)(b) struck him on the head while attempting to rob him of his cell phone. After a brief struggle, § 87(2)(b) escaped and ran down Ludlow Street. While he was still on Ludlow Street, two plainclothes police officers approached him and

asked what had happened. § 87(2)(b) stated that, although he could not say for sure, he believed that these officers had observed at least part of the attempted robbery. He did not remain on scene to see officers stop and arrest § 87(2)(b).

In his CCRB interview, PO Long provided a detailed explanation of the circumstances leading up to the stop. In the minutes preceding the incident, PO Long, PO Ortiz, and Sgt. Bertran Bouillon, all of the 5<sup>th</sup> Precinct anti-crime team, were patrolling Sector C of the 5<sup>th</sup> Precinct. As they patrolled the area, they noticed § 87(2)(b) pacing back and forth outside MS 131 with the hood of his sweatshirt tied tightly around his head. PO Long stated that this behavior raised his suspicions because, based on his experience on the anti-crime team, the area surrounding this middle school is a common site for robbery and grand larceny. These officers observed § 87(2)(b) for at least five minutes, both from an RMP and on foot, before Sgt. Bouillon split off from PO Long and PO Ortiz to avoid drawing anyone's attention. PO Long and PO Ortiz continued to follow § 87(2)(b) until they witnessed him put his arm around § 87(2)(b) strike him in the head with a closed fist, and release him. PO Long testified that, after he had made this observation, § 87(2)(b) could have been arrested for assault. As § 87(2)(b) fled the scene, PO Long and PO Ortiz approached him, identified themselves as police officers, and obtained his narrative of the events that had just occurred. While PO Ortiz took § 87(2)(b) around the corner to ask him additional questions, PO Long continued to follow § 87(2)(b) on Ludlow Street, where he saw him approach another teenager and overheard him ask to borrow this teenager's iPhone. At this point, PO Long determined that another attempted robbery was likely to occur, so he called PO Ortiz over for help. During this call, PO Ortiz told PO Long that § 87(2)(b) had attempted to rob § 87(2)(b) of his iPhone, so PO Long asked PO Ortiz to join him on Ludlow Street so that the two of them could approach the suspect together. The officers then approached § 87(2)(b) together, identified themselves as police officers, and arrested him (08 Board Review).

PO Ortiz § 87(2)(g) stated that, prior to the incident, he and his partners spent approximately 20 minutes watching § 87(2)(b) pacing outside the middle school. In addition to the suspicious behaviors described by PO Long, PO Ortiz noted that his suspicions were raised at the time because he did not recognize § 87(2)(b) as a student from MS 131, where he patrols frequently. After Sgt. Bouillon broke off from the other officers, PO Ortiz stated that he and PO Long watched from 150 feet away as § 87(2)(b) approached § 87(2)(b) put his arm around his neck, and punched him. After § 87(2)(b) fled the scene, PO Ortiz and PO Long approached him and asked him to describe what had happened. PO Ortiz then walked § 87(2)(b) around a corner and called Sgt. Bouillon to ask him to come to the scene. PO Ortiz stated that he then returned to Ludlow Street, reconvened with PO Long, and stopped § 87(2)(b) (09 Board Review).

Sgt. Bouillon § 87(2)(g) was with PO Long and PO Ortiz as they first observed § 87(2)(b) pacing outside of MS 131. Sgt. Bouillon added that, in addition to the factors mentioned by his partners, his suspicions were raised because § 87(2)(b) appeared to be looking up for cameras and that he appeared to be older than a middle school student. After he and his partners observed § 87(2)(b) for approximately 5 minutes, Sgt. Bouillon split away from his partners and walked to the park on Hester Street and Forsyth Street to avoid drawing attention to themselves. Although Sgt. Bouillon did not observe the attempted robbery, he was informed by PO Long and PO Ortiz that they observed § 87(2)(b) put his arm around and strike § 87(2)(b). Sgt. Bouillon stated that he also learned that PO Ortiz had obtained a narrative of the incident from § 87(2)(b) to confirm that the officers had observed an attempted robbery before they stopped § 87(2)(b). However, Sgt. Bouillon was not present for the initial stop (10 Board Review).

PO Hughes stated that she responded to this incident as part of a backup unit and never learned about the circumstances leading up to § 87(2)(b)'s arrest (11 Board Review).

An officer may arrest a person for a crime when he or she has reasonable cause to believe that such person has committed such crime (N.Y.S. Criminal Procedure Law, Section 140.10) (12 Board Review). An accusation against a specific individual from the eyewitness-victim of a crime is sufficient to provide probable cause for an arrest (People v. Jackson, 105 A.D.3d 866) (14 Board Review).

§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)

**Allegation C – Force: Police Officer Javarro Long used physical force against § 87(2)(b)**

**Allegation D – Force: Police Officer Kharloz Ortiz used physical force against § 87(2)(b)**

§ 87(2)(b) alleged that, following their initial stop, PO Long and PO Ortiz pushed him against the wall and took out their handcuffs. At this point, § 87(2)(b) admitted to “bum rushing” the officers, or ducking down and running directly towards them in an attempt to get away. PO Ortiz reacted by grabbing § 87(2)(b) by the backpack or jacket and spinning him to the floor. While § 87(2)(b) was on the floor, PO Ortiz put his knee on his back while PO Long held onto § 87(2)(b)'s upper shoulders so that he could be handcuffed. § 87(2)(b) testified that, in addition to running away from the officers, he twisted his arms away

from the officers to make it difficult for them to handcuff him (06 Board Review). § 87(2)(b) stated that he sustained a laceration on his left shoulder as a result of the force used against him by PO Long and PO Ortiz. He also stated that he had pain in his elbow that might be the result of a fracture.

§ 87(2)(b)'s medical records show that he complained of pain in his left shoulder and left elbow. His assessment showed that he sustained an abrasion on his left shoulder. No further mention was made of his elbow and there is no documented x-ray or fracture in his medical records. He was given ibuprofen [01 Board Review].

PO Long testified that § 87(2)(b) attempted to run away from the officers as soon as they identified themselves as members of the NYPD. PO Long denied that he or PO Ortiz ever executed a takedown; instead, § 87(2)(b) fell to the floor when he tripped over a bicycle on the sidewalk. PO Long stated that he and PO Ortiz caught up to § 87(2)(b) as he was standing back up again and that the officers then held on to § 87(2)(b)'s arms so that they could handcuff him while he was in a standing position. PO Long testified that § 87(2)(b) resisted arrest by stiffening his arms in order to make it difficult for the officers to handcuff him. After a brief struggle, the officers were able to handcuff § 87(2)(b) without using any force apart from placing guiding holds on his arms. PO Long stated that neither he nor PO Ortiz kned § 87(2)(b) or used any other form of force against him while making this arrest (08 Board Review).

Like PO Long, PO Ortiz denied § 87(2)(b)'s allegations of force. PO Ortiz stated that, after he and PO Long stopped § 87(2)(b) and identified themselves as police officers, he reached out an arm to touch § 87(2)(b)'s chest. PO Long then grabbed § 87(2)(b)'s arm in an attempt to hold him in place. In response, § 87(2)(b) immediately began to resist by stiffening his arms and pulling his body away from the officers. PO Ortiz stated that § 87(2)(b) tried to run away from the officers but was stopped almost immediately after breaking away from them when he tripped on a bicycle parked nearby. PO Ortiz stated that, by the time the officers caught up to him, § 87(2)(b) was already back on his feet, so PO Ortiz attempted to execute a takedown by grabbing onto § 87(2)(b)'s jacket. However, this jacket was oversized and unzipped, so it fell off before PO Ortiz could use it to restrain the suspect. PO Ortiz stated that this was the only time that officers attempted to execute a takedown and that § 87(2)(b) was never brought to the ground by either officer. PO Ortiz stated that PO Ortiz and PO Long held onto his arms and, after an extended struggle, were eventually able to handcuff him. According to PO Ortiz, § 87(2)(b) resisted arrest by stiffening up his arms and pulling them away from the officers. PO Ortiz stated that neither he nor PO Long used any force apart from holding onto § 87(2)(b)'s arms, and that neither officer ever kned him or used any other form of force against him (09 Board Review).

Although Sgt. Bouillon was not present to witness the alleged force used against § 87(2)(b) he testified that he never learned that an officer executed a takedown, kned the suspect, or used any other type of force during the initial arrest. He added that he never heard or learned that § 87(2)(b) had complained about the amount of force used arrest him during this incident (10 Board Review).

Similarly, PO Hughes was not present to observe whether or not the alleged force took place. She stated that she never learned anything about the circumstances of § 87(2)(b)'s handcuffing or initial interactions with officers and never heard § 87(2)(b) complain that such force had been used against him (11 Board Review).

Additionally, video for this incident shows § 87(2)(b) fleeing the officers and running into a bicycle parked on the sidewalk. An officer then grabs § 87(2)(b)'s coat, causing him to fall to the ground as he tries to pivot and run in the opposite direction. The video does not show that any officer threw § 87(2)(b) to the ground and does not show § 87(2)(b) on the ground other than when he initially fell while running away from the officers. The video does not appear to show officers using any force against § 87(2)(b) apart from the holds that they described. However, for much of the video, the participants are in the shadow of the buildings and therefore the interaction is not fully visible.



IA 161 3 minutes 46 seconds.mp4

Patrol Guide 221-01 states that force may be used when it is reasonable place a person in custody or to prevent escape from custody (13 Board Review). § 87(2)(g)

§ 87(2)(g)

**Allegation E – Abuse of Authority: Police Officer Kelly Hughes strip-searched § 87(2)(b)**

§ 87(2)(b)

§ 87(2)(b) stated that, after he was handcuffed and placed inside a patrol car, he was taken out of the car and searched by several officers. He admitted to cursing at officers during this search but stated that he was not physically resisting at the time. After the search was already underway, an officer later identified as PO Hughes approached § 87(2)(b). Without saying anything, PO Hughes grabbed § 87(2)(b)'s belt and pulled it back a few inches to look inside his waistband. She did not find any weapons or contraband (06 Board Review).

PO Long confirmed that § 87(2)(b) was removed from the patrol car and subsequently searched, but stated that he was the only officer who participated in this search. PO Long stated that he had no recollection of any female officers being on scene or interacting with § 87(2)(b). After viewing PO Hughes's MOS photo, PO Long stated that he did not recognize her. After viewing video showing that PO Hughes was present during the search, PO Long maintained that, because he was facing § 87(2)(b) with PO Hughes behind his back, he never saw her and did not know whether or how she assisted with the search (08 Board Review).

PO Ortiz stated that he had already left the scene by the time § 87(2)(b) was searched. However, he was informed by PO Long that a search had been conducted. PO Ortiz stated that search was merely procedural and that he never learned that officers suspected that § 87(2)(b) had any weapons or contraband on his person or that he may have been concealing weapons or contraband that would not have been accessible through a regular search. PO Ortiz never learned that an officer had pulled on § 87(2)(b)'s waistband or strip searched him at any location, and never learned that any civilian had complained that a strip search was performed (09 Board Review).

Sgt. Bouillon testified that he was on the scene when § 87(2)(b) was removed from the patrol car and searched. After viewing PO Hughes's MOS photo, Sgt. Bouillon testified that a white female officer resembling PO Hughes was present at the time of the search, although he did not recall whether a female officer participated in said search. Sgt. Bouillon denied observing any officer pull on § 87(2)(b)'s waistband during this search and stated that he never observed, learned of, or authorized a strip search throughout the course of this incident. Sgt. Bouillon added that no officers ever requested a strip search and that he was never made aware of any allegations that a strip search had taken place. After viewing video of the incident, Sgt. Bouillon stated that he was not able to observe how PO Hughes was assisting in the search because his back was to her for the duration of the search (10 Board Review).

In PO Hughes's initial testimony, she stated that she did not observe or take part in a search of § 87(2)(b). She stated that the only assistance she provided while on scene was to help officers place § 87(2)(b) into the patrol car. PO Hughes stated that she never learned of any suspicion that § 87(2)(b) was concealing weapons or contraband on his person and stated that she did not know if anyone ever suspected that he was concealing weapons or contraband that would not have been accessible through a regular search. She stated that she never pulled on § 87(2)(b)'s belt or waistband area, never observed, participated in, or learned of a strip search taking place, and never heard anyone complain that a strip search had been conducted. PO Hughes initially denied making any physical contact with § 87(2)(b). After viewing video of the incident, PO Hughes granted that it appeared as though § 87(2)(b) was being searched and that she assisted in the search. However, she maintained that she had no recollection of this search and did not know how she might have assisted (11 Board Review).



Although video evidence shows PO Hughes approaching § 87(2)(b) during the search at 12:35:10, it is not clear whether she assisted in the search or could have reached past the officers standing between her and § 87(2)(b) to pull his waistband out.



IA 162, 1.50.mp4

§ 87(2)(g)  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Allegation F – Force: Police Officer Kelly Hughes used physical force against § 87(2)(b)**

[REDACTED]

§ 87(2)(g) [REDACTED]

§ 87(2)(b) stated that, after PO Hughes grabbed his waistband, he asked “What the fuck are you doing with my belt?” In response, PO Hughes struck § 87(2)(b) in the face with her palm in an upward motion, resulting in pain and a cut on his lower lip. After PO Hughes struck him, another officer accused § 87(2)(b) of spitting on her, but § 87(2)(b) denied ever having done so (06 Board Review).



IA 163 46 seconds.mp4

On October 12, 2016, as part of § 87(2)(b) routine entry process, § 87(2)(b) was given a comprehensive health examination. During this examination, § 87(2)(b) medical staff noted that he had scalp lacerations, a head injury causing headaches and dizziness, pain in his shoulder and elbow, and cuts or bruises in his mouth. He was prescribed ibuprofen (01 Board Review).

As discussed above, PO Long had no recollection of any female officers responding to the scene and did not recognize PO Hughes from her MOS photo. PO Long also misremembered the nature of the search, initially stating that he had performed it on his own without the assistance of any

other officers. However, it is worth noting that PO Long stated that this search took place without incident. He stated that, aside from stiffening his arms and cursing, § 87(2)(b) did not resist being searched in any way. PO Long's memo book made no mention of a civilian spitting at the scene of the arrest. After reviewing video from the incident, PO Long agreed that it appeared to show a female officer making contact with § 87(2)(b)'s head, but maintained that he did not witness this action or have any interactions with PO Hughes. After viewing the video, PO Long reiterated that § 87(2)(b) did not resist being searched using techniques other than those already discussed (08 Board Review).

PO Ortiz was not present to observe the search. He testified that, when he returned to the scene for a show-up prior to the search, he saw § 87(2)(b) spitting at officers from where he was standing approximately 200 feet away. His memo book made no mention of a civilian spitting on scene. After completing the show-up, PO Ortiz left the scene. As discussed above, PO Ortiz learned of this search secondhand. PO Ortiz stated that he never learned that an officer had struck or made contact with § 87(2)(b)'s face during the course of this search and never learned that § 87(2)(b) had sustained any injuries as a result of this incident. After reviewing video of the incident, PO Ortiz maintained that he did not recall ever seeing PO Hughes at the scene (09 Board Review).

As discussed above, Sgt. Bouillon participated in the search. He stated that, as this search was taking place, § 87(2)(b) flailed his arms and legs, spat at officers, and told officers that he wanted to hit them. He did not direct these actions or threats at any officers in particular. Sgt. Bouillon's memo book made no mention that a civilian was spitting at officers on scene. Sgt. Bouillon initially stated that, since he was facing § 87(2)(b) while restraining his arms, he would not necessarily have been in a position to see an officer reach past him to strike § 87(2)(b) since so many officers were surrounding him and making physical contact with § 87(2)(b) during the search. However, Sgt. Bouillon recalled hearing § 87(2)(b) state that an officer had hit him in the head. He did not direct this accusation at a specific officer. Sgt. Bouillon stated that, once the search was completed, he did not observe any injuries to § 87(2)(b)'s head. After reviewing video footage of the incident, Sgt. Bouillon conceded that it appeared to show a female officer making contact with § 87(2)(b)'s head. He maintained that he never noticed any hands or arms moving past his head to make contact with § 87(2)(b). Sgt. Bouillon clarified that he never saw § 87(2)(b) spit at PO Hughes, but stated that, at some point, he heard an officer accuse him of spitting. He did not recall specifically when this accusation was made. Sgt. Bouillon stated that he did not hear PO Hughes or any female officers make any statements directly to § 87(2)(b) and that he did not hear § 87(2)(b) make any statements directed at any specific officers (10 Board Review).

Although PO Hughes did not recall observing or participating in a search, she did recall assisting a group of officers by helping to place § 87(2)(b) into a patrol car. She stated that she assisted the other officers by holding open the door to the patrol car. In her initial narrative, she

never mentioned having any direct interaction with § 87(2)(b) and did not bring up the issue of spitting. When asked directly whether or not she exchanged words with § 87(2)(b) she provided two differing accounts of events. At first, she said that, as she held the patrol car's door open, she told him to "Get into the car." In response, he said "Don't fucking talk to me." As he said this, PO Hughes felt a small amount of spit hit her face, but stated that she did not believe that he intentionally spat on her. However, because spit did hit her face, PO Hughes said "Don't spit at me." § 87(2)(b) then said "Don't fucking talk to me" and entered the vehicle without further incident. PO Hughes stated that, apart from this brief exchange, she and § 87(2)(b) did not exchange words. When asked how she knew that § 87(2)(b) did not spit on her intentionally, PO Hughes stated that she has been intentionally spat on by arrestees before and that she knew the difference. She then added that § 87(2)(b) told her "No, miss, I didn't spit on you." Based on this context, she was confident that, rather than intentionally spitting on her, § 87(2)(b) accidentally did so as he was yelling at officers. PO Hughes stated that she never observed § 87(2)(b) intentionally spit at an officer and never learned that this had occurred. She also stated that she never struck § 87(2)(b)'s head or anywhere else on his person and that she never made any physical contact with him throughout the course of the incident. PO Hughes' memo book made no mention that a civilian spat on her or that she had used force at the scene (11 Board Review).

After reviewing video from the incident, PO Hughes identified herself as the female officer who made contact with § 87(2)(b)'s head. When asked specifically about the point in the video at which her hand can be seen making contact with § 87(2)(b)'s face, PO Hughes stated that this was probably the point at which she first felt the small amount of spit hit her. She clarified that the verbal exchange with § 87(2)(b) that she had previously described took place after she made contact with his head. When asked what her intent was in taking this action, she stated that she was trying to move his head away from her face. PO Hughes was then instructed to observe the following second, during which she appears to adjust her arm and continue to follow through with her motion to make physical contact with § 87(2)(b)'s head. When asked about her intent, she stated that she was simply continuing the motion that she had been making before. PO Hughes stated that there was no other reason why she was making contact with § 87(2)(b)'s face and that he did not resist being placed inside the RMP in any way other than standing still. PO Hughes described her conduct as a natural human reaction to being spit on, and further explained that, because § 87(2)(b) was already in handcuffs and surrounded by several other officers, it would not have been appropriate for her to use an asp or any other tactics. PO Hughes stated that she did not observe that § 87(2)(b) had sustained any injuries as a result of her actions and did not hear him complain of any injuries afterwards (11 Board Review).

Patrol Guide 221-01 states that force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody (13 Board Review).

§ 87(2)(g)

[Redacted text block containing approximately 18 lines of blacked-out content]

---

Squad: 1

Investigator:	_____	_____	_____
	Signature	Print	Date
Squad Leader:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date